

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/662,236
Inventors: Naimer, et al
Filed: 15 Sept 2003
Examiner: Lieu, Julie Bichngoc
GAU 2636
Atty Docket: UNI1773-009
Title: ANP/RNP DISPLAY

**REASONS FOR
REQUEST FOR
PANEL REVIEW**

Pre-appeal brief conference review is appropriate when there are clear errors in the Examiner's review and/or the Examiner has omitted one or more essential elements needed for a prima facie rejection. Applicant believes that at least one of these conditions is present here.

Claims 21 through 36 are pending in the case, claims 1-20 having been cancelled during prosecution.

The Examiner has rejected claims 21-36 as obvious over US Patent 5,250,947 to Worden (Worden '547"). The Examiner has also rejected claims 30, 31, 34 and 35 as obvious over Worden '547 in combination with US Patent 6,571,155 to Carriker ("Carriker '155).

Since claim 21 is the only independent claim present in the case, applicant will focus on claim 21 and the Examiner's rejection thereof.

In rejecting claims 21-36 as obvious over Worden '947, the Examiner has failed to cite a second reference beyond Worden and makes unsupported conclusory statements about what would constitute an obvious design choice for one of skill in the art. The Examiner has not responded to a request from the applicant to justify her position that a numeric change, as shown in Worden '947, is functionally equivalent to a change in length of a graphical symbol, "only in a different presentation," to quote the advisory action received from the examiner. If the Examiner is correct, than any display

of flight data should be unpatentable, since it would be just the flight data "in a different presentation" that would be an obvious design choice.

The applicant has made the point continually that a graphical representation of the ANP and RNP requirements, particularly in a situation where the ANP and RNP requirements are registered atop each other, as would be required by claim 25, is immediately recognizable to the flight crew as a depiction of their compliance with the RNAV situation, and does not require mental gymnastics, as reviewing some combination of arrows and numbers, which is what Worden '947 shows. In a flight situation, this point is so basic that there should be no reason why the applicant would need to expressly point out its criticality.

With respect to claim 21, the Examiner states that reference numeral 32 in Worden '947 corresponds to a RNP symbol that comprises a band with an indicator centrally positioned therealong, the indicator representing a centerline of the required flightpath and the length indicating a magnitude of the required navigational performance. This is not correct. At Col. 3, lines 26-28, Worden '947 teaches that reference numeral 32 "indicates a preset altitude that may be manually inputted by the pilot." The "length" of Worden's reference numeral 32 will never "indicate a magnitude of the required navigational performance."

The Examiner states that Worden '947 teaches an ANP symbol at reference numeral 24 comprising a band having a length with an indicator centrally positioned therealong, the indicator representing the course of the aircraft. The Examiner ignores the claim language that requires that the ANP symbol have a length "indicating a magnitude of the actual navigational performance." The Examiner tries to justify this omission by acknowledging Worden's lack of teaching, but saying that "lacking any criticality as to why it symbol must be enlarge, how it would produce any unexpected result, or what stated problem can be solved [sic]", a "numeric indicator is functionally equivalent the length of the symbol [sic]".

In its essence, and as clearly claimed in claim 21, the relative lengths and the relative positions of the ANP and RNP symbols provide a pilot, especially one operating under instrument flight rules, with an increased situational awareness (paragraph

[0004], first sentence) so that the flight crew can "visually assess" the present course of the aircraft in relation to RNP (paragraph [0004], fourth sentence).

There is simply nothing in Worden '947's altitude tape where the magnitude of the required and actual performances can be compared with each other directly.

It is the applicant's further position that Worden '947 shows a conventional ANP/RNP display in Figure 3 and in Figure 5. In neither case does Worden discuss the display, nor does he assign it a reference number. In Fig. 3, the ANP/RNP display is above the words "Fig. 3" and immediately left of the word "1200." In Fig. 5, the ANP/RNP display is immediately above the words "Fig. 5", between the words "200" and "1195." Applicant asserts that this depiction of conventional ANP/RNP display without discussion of application of his inventive concept to the display of ANP/RNP data amounts to "teaching away."

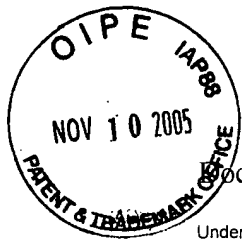
From the above, the applicant respectfully submits that the Examiner has not made out a prima facie case and that the claims are in condition for allowance.

Respectfully submitted,

Dated: 7 Nov. 2005

By: 

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) UNI 1773-009	
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		First Named Inventor Naimer	
		Art Unit 2636	Examiner Lieu
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>33,390</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

Signature
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7 NOV 2005
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